UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,593	02/20/2002	Kevin Tso	47869/WWM/E327	9524

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EXAMINER
ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/081,593	TSO, KEVIN
	Examiner	**Art Unit**	
	Akiba K. Robinson-Boyce	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 February 2002</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-25</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/8/03</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   Due to communications filed 2/20/02, the following is a non-final first office

action.. Claims 1-25 are pending in this application and have been examined on the

merits. Claims 1-25 are rejected as follows.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   Claims 1- 12, 14, 16-23 and 25 are rejected under 35 U.S.C. 102(e) as being

anticipated by Keller et al (US 6,304,850).

As per claims 1, 25, Keller et al discloses:

receiving by the computer personal information from user/receiving personal

information from a user, (col. 3, , lines 35-38, user inputs address, telephone number

and e-mail address);

receiving by the computer desired travel product attributes from a user/receiving

desired travel product attributes from a user, (col. 3, lines 12-20, user enters

departure/destination cities, target price, carrier preference, which serve as attributes for

airline itinerary, where the airline itinerary is the desired travel product since the

resulting booking results in purchase of seats for a flight itinerary as shown in col. 3, lines 52-54);

searching database of travel products to select desired travel products using desired travel product attributes received from a user, (Col. 4, lines 31-34, searches airline schedule database for flight itinerary that meets the user's given set of travel qualifications);

reporting travel products selected to a user, (Col. 5, lines 45-59, lowest airfares compared with consumers target price and displayed to consumer);

receiving a request for future notice about a travel product from a user, (Col. 6, lines 6-10, shows storing consumer itinerary and will request additional searches for a predetermined number of days subsequent to the original search);

automatically searching through the database of travel products after a predetermined time interval to select desired travel products using desired travel product attributes received from a user, (Col. 6, lines 23-27, search engine searches for airfares [for an itinerary] that correspond to consumer's target price for a predetermined number of days); and

notifying a user of selected products, (Col. 6, lines 31-34, sends consumer an e-mail message of an airfare meeting the consumer's target price).

The following is inherent with Keller et al since Keller et al discloses a computer implemented system to carry out the steps of their invention, and the following features are necessary to for enabling execution of computer implemented steps:

A computer readable medium having store thereon a set of instructions including instructions for obtaining travel product information, the instructions, when executed by a microprocessor cause the microprocessor to perform the steps of:

As per claims 2, 16, Keller et al discloses:

wherein receiving personal information further comprises receiving from the user at least one group consisting an address, a telephone number, an age, and whether the user a member a travel organization/ wherein information server is further configured to receive personal information including at one of the group consisting of an address, a telephone number, an age, and whether a user is a member of a travel organization, (Col. 3, lines 35-38, user inputs address, telephone number and e-mail address)

As per claims 3, 17, Keller et al discloses:

wherein receiving desired travel product attributes further comprises receiving from the user a travel product type and attributes of the selected travel product type/ wherein the information server is further configured to receive desired travel product attributes including travel product type and attributes of the selected travel product type, (Col. 3, lines 12-18, carrier preference, departure/destination cities).

As per claims 4, 18, Keller et al discloses:

wherein receiving desired travel product attributes further comprises receiving from the user at least one of the group consisting of a travel product provider, a date that the travel product is desired, and a price/ wherein the information server is further configured to receive desired travel product attributes including at least one the group

consisting travel product provider, a date that the travel product is desired, and a price,
(Col. 3, lines 12-18, carrier, dates of departure/return, target price).

As per claims 5, 19, Keller et al discloses:

wherein receiving desired travel product attributes further comprises receiving
from the user a travel product offered by a selected travel product provider/wherein the
information server further configured to receive desired travel product attributes
including a travel product offered by a selected travel product provider, (Col. 4, lines 2-
6, if user does not specify any preferred carrier and has indicated no flexibility, a shell
itinerary is entered and serves a s a template for the fare search engine for the user).

As per claim 6, Keller et al discloses:

further comprising automatically reserving travel products selected for a user,
(Col. 3, lines 50-52, if user decides to accept one of the fares, the booking server will
book the itinerary).

As per claim 7, Keller et al discloses:

further comprising notifying user of a reservation, the notice having a deadline for
confirmation of the reservation, (Col. 3, lines 53-55, seats on hold for 24 hours).

As per claim 8, Keller et al discloses:

further comprising cancelling a reservation if a user does not confirm the
reservation by the deadline sent to the user, (col. 3, lines 55-56, booking is cancelled if
the user fails to purchase tickets within 24 hours).

As per claim 9, Keller et al discloses:

receiving by the computer of payment information from a user, (col. 1, lines 25-28, the user transmits credit card payment information over the internet to purchase selected flight);

the following is inherent with Keller et al because if the user is utilizing the Internet to purchase a selected flight, the automatic purchase is inherent since the Internet is a wide area computer network used for making automatic transactions:

automatically purchasing selected travel products for a user using payment information received from a user.

As per claims 10, 20, Keller et al discloses:

receiving by the computer of notice attributes from a user, the notice attributes being attributes triggering notice/ wherein the information server further configured to receive notice attributes from the user terminal, (Col. 3, lines 10-18, user enters basic request data [which are the attributes]); and

wherein notice attributes received from a user are used select the selected travel products/and use the notice attributes to select the selected travel products, (Col. 3, lines 39-42, database is searched for fares that meets the user's attributes [target price]) .

As per claims 11, 21, Keller et al discloses:

wherein receiving notice attributes further comprises receiving from the user a price condition for a travel product, the price condition being least one of the group consisting of when the price drops below particular dollar amount, when the price is a preselected percentage lower than the price is currently, and when the price is a set

amount lower than the price is currently/ wherein the information server is further

configured to receive notice attributes including a price condition for a travel product, the

price condition being at least one of the group consisting of when the price drops below

particular dollar amount, when price is a preselected percentage lower than the price is

currently, and when the price is a set amount lower than the price is currently, (Col. 5,

lines 45-54, if the lowest airfares are less than or equal to the consumers inputted target

price, the booking server returns the fare/itinerary and seats are held).

As per claims 12, 22, Keller et al discloses:

wherein receiving notice attributes further comprises receiving from the user a

price condition for a travel product, the price condition being at least one of the group

consisting of when the price drops to a lowest price within a preselected number of

days, when the price is within a preselected percentage of the lowest price within a set

number of days, and when the price is within a preselected amount of the lowest price

within a set number of days/ wherein the information server further users o configured

receive notice attributes including price condition product, the price condition being least

one of the group consisting of when the price drops to a lowest price within a

preselected number of days, when the price within a preselected percentage of the

lowest price within a set number of days, and when the price is within a preselected

amount of the lowest price within a set number of days, (Col. 5, lines 45-54, if the lowest

airfares are less than or equal to the consumers inputted target price, the booking

server returns the fare/itinerary and seats are held w/ col. 3, lines 12-14, shows that

attributes such a the dates of departure and return [which ultimately determines the

number of days] are entered in by the user and incorporated into determining lowest

price as compared to the user's entered target price, also, col. 6, lines 5-9 discloses that

an additional search can be done for the lowest price for a predetermined number of

days subsequent to an original search).

As per claim 14, Keller et al discloses:

an information server coupled a computer network, (Fig. 5, [501] Flight booking

server represents information server, w/ [504], distributed communication network);

a user terminal coupled to the computer network, (Fig. 5, [502], client (user)

station);

a travel product database coupled to the computer network for storing travel

product information, (Fig. 5, [503] shows the reservation airline system, where the

reservation airline system database in included with the reservation airline system as

shown in col. 2, lines 3-4);

wherein the information server is configured to receive personal contact

information from the terminal, (col. 3, lines 35-38, user inputs address, telephone

number and e-mail address);

receive desired travel product attributes from the user terminal, (col. 3, lines 12-

20, user enters departure/destination cities, target price, carrier preference, which serve

as attributes for airline itinerary, where the airline itinerary is the desired travel product

since the resulting booking results in purchase of seats for a flight itinerary as shown in

col. 3, lines 52-54);

search the travel product database to select travel products having the desired travel product attributes received from the user terminal, (Col. 4, lines 31-34, searches airline schedule database for flight itinerary that meets the user's given set of travel qualifications);

report selected travel product information to the user terminal, (Col. 5, lines 45-59, lowest airfares compared with consumers target price and displayed to consumer);

receive a request for future notice about a travel product from the user terminal, , (Col. 6, lines 6-10, shows storing consumer itinerary and will request additional searches for a predetermined number of days subsequent to the original search);

automatically search through the travel product database after a predetermined time interval to select travel products having the desired travel product attributes received from the user terminal, (Col. 6, lines 23-27, search engine searches for airfares [for an itinerary] that correspond to consumer's target price for a predetermined number of days); and

notify the user of selected travel products, (Col. 6, lines 31-34, sends consumer an e-mail message of an airfare meeting the consumer's target price).

As per claim 23, Keller et al discloses:

wherein the information server is further configured to reserve travel products having the received desired travel product attributes and to notify the user of the reservation using the received contact information, (Col. 3, lines 50-52, if user decides to accept one of the fares, the booking server will book the itinerary w/Col. 5, lines 45-59, lowest airfares compared with consumers target price and displayed to consumer).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa

(US 5,732,398) and further in view of Keller et al (US 6,304,850).

As per claim 13,Tagawa discloses:

receiving by the computer of personal information from a user, (Col. 11, lines 64-

66, user inputs the name or names of the party);

receiving by the computer of desired cruise attributes from a user, the cruise

attributes including at least one of the group consisting of a begin date, a cruise line's

name, a cruise ship's name, an originating city, a cruise location, cruise length, a cabin

type, and a desired price, (col. 17, lines 45-56, user selects length of cruise desired);

searching a database of cruise information to select a cruise using desired cruise

attributes received from a user, (Col. 17, line 65-Col. 18, line 1, in response to the given

input data, the system searches the database;

reporting selected cruises the user, (col. 18, lines 7-8, audio visual presentation);

Tagawa fails to discloses the following limitations, but does disclose searching a

database using desired cruise attributes to select a cruise as disclosed above in col. 17,

line 65-col. 18, line 1.

However, Keller et al disclose:

receiving by the computer of a request for future notice...from a user, (Col. 6, lines 6-10, shows storing consumer itinerary and will request additional searches for a predetermined number of days subsequent to the original search);

automatically searching a database of...information after a predetermined interval to select...using desired...attributes received from a user, (Col. 6, lines 23-27, search engine searches for airfares [for an itinerary] that correspond to consumer's target price); and

notifying a user of selected..., (Col. 6, lines 31-34, sends consumer an e-mail message of an airfare meeting the consumer's target price).

Keller et al discloses the above limitations in an analogous art for the purpose of showing that additional searches can be done for the lowest price for a predetermined number of days subsequent to an original search.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive a request for future notice, to automatically search a database after a predetermined interval to make a selection, and to notify the user of the selection with the motivation of incorporating additional travel-related searches for a user's future reference.

Keller et al does not disclose locating cruise information, but does disclose locating information that deals with travel-related services/products by incorporating airline itinerary.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to locate cruise information with the motivation of locating

information for a user based on travel-related services/products.

6. Claims 15, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Keller et al (US 6,304,850). and further in view of Tagawa (US 5,732,398).

As per claim 15, Keller does not specifically disclose the following limitation, but

does disclose searching an airline schedule database for flight itinerary that meets the

user's given set of travel qualifications in Col. 4, lines 31-34.

However, Tagawa discloses:

An airplane flight database coupled to the computer network for storing airplane

flight information, (Col. 4, lines 25-26, database for available flights);

a hotel database coupled to the computer network for storing hotel information,

(Col. 12, lines 54-55, hotel inventory database);

rental car database coupled to the computer network for storing rental car

information, (Col. 13, lines 62-65, inventory of cars that reside in a regional reservation

center); and

a cruise database coupled storing cruise information, (Col. 6, lines 60-61,

searching a database for desired services/products that are available during ports of

call).

Tagawa discloses all of the above limitations in an analogous art for the purpose

of incorporating a wide range of travel-related services/products in a system for

matching the financial situation and needs of the traveler with the available choices in a travel-related system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate an airplane flight database, a hotel database, a rental car database, and a cruise database with the motivation of incorporating a wide variety of travel-related products/services into a travel-related system so the user can have the flexibility using the system for many different travel-related products/services.

As per claim 24, Keller et al discloses:

wherein the information server further configured to receive payment information from the user terminal, purchase travel products having received desired travel product attributes using the received payment information, (col. 1, lines 25-28, the user transmits credit card payment information over the internet to purchase selected flight);

The following is inherent with Keller et al since the user is purchasing via credit card since credit card companies send monthly statements indicating purchases made for the previous month:

and notify the user of the purchase using the received contact information

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-746-7238

[After final communications, labeled "Box AF"], 703-746-7239 [Official Communications],

and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

A. R. B.
December 16, 2005